

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

JEFFERY ALONZO SIMMS)	
)	
)	
Plaintiff)	C.A. No. 04-1205-SLR
)	
v.)	
)	
M.D. HARRY M. FREEMAN, ET AL)	JURY OF 12 DEMANDED
)	
Defendants.)	

**ROBERTA F. BURNS, M.D.'S FIRST SET OF INTERROGATORIES DIRECTED TO
PLAINTIFF**

1. State:

- (a) The plaintiff's full name;
- (b) Any other names the plaintiff has used or been known by (and the dates the plaintiff was known by that name);
- (c) The plaintiff's date and place of birth;
- (d) The plaintiff's marital history;
- (e) The plaintiff's marital status at the time of the incident;
- (f) The addresses for the places in which the plaintiff resided for the last ten (10) years;
- (g) The plaintiff's social security number;
- (h) The plaintiff's height and weight at time of the incidents and/or injuries complained of in the complaint.

ANSWER:

2. State the extent of the plaintiff's formal education and list the name and address of

all schools which the plaintiff has attended.

ANSWER:

3. Was the plaintiff ever in the Armed Forces? If so, state:

- (a) the dates,
- (b) branch of service,
- (c) rank at discharge,
- (d) whether the plaintiff had any infirmities at discharge,
- (e) whether the plaintiff has/had any claim or is/was receiving benefits for any

infirmities from said service,

- (f) the plaintiff's Armed Forces service number, and
- (g) the plaintiff's Veterans "C" number.

ANSWER:

4. State:

- (a) whether the plaintiff has children;
- (b) the name of each child;
- (c) the child's/children's date of birth;

ANSWER:

5. Has the plaintiff ever been convicted of a crime? If so, state:

- (a) the offense(s) for which the plaintiff was convicted;
- (b) the date and jurisdiction of the plaintiff's conviction(s);
- (c) and the period of the plaintiff's incarceration(s).

ANSWER:

6. For the period of ten (10) years immediately preceding the date of the treatment,

surgery or examination referred to in the complaint, state:

(a) The name and address of each of the plaintiff's employers or, if the plaintiff was self-employed during that period, each of the plaintiff's business addresses and the name of the business while self-employed;

(b) The dates of commencement and termination of each of the plaintiff's periods of employment or self-employment;

(c) A detailed description of the nature of the plaintiff's occupation and the services performed by the plaintiff in each employment or self-employment; and

(d) the plaintiff's average weekly earnings from each employment or self-employment; the average number of hours worked by the plaintiff per week in each employment or self-employment; and the amount of income from employment or self-employment reported on the plaintiff's Federal Income Tax Return for each year.

ANSWER:

7. Has the plaintiff ever been a party to a lawsuit other than the present one? If so, for each lawsuit, state:

(a) the name of the suit;

(b) what the plaintiff's status was therein;

(c) the kind of suit involved;

(d) the court in which it was filed and the docket number;

(e) the date it was filed;

(f) whether there was a trial; and

(g) the ultimate disposition of the case.

ANSWER:

8. Has the plaintiff ever made a claim against any other medical practitioner or hospital?

If so, for each claim, state:

- (a) the date and place it was made;
- (b) the nature and extent of each injury claimed;
- (c) the name and address of the medical practitioner or hospital against whom it

was made; and

- (d) its outcome.

ANSWER:

9. Has the plaintiff ever made a claim against anyone for any personal injury? If so, for each claim, state:

- (a) the date and place it was made;
- (b) the nature and extent of each injury claimed;
- (c) the name and address of the person against whom it was made; and
- (d) its outcome.

ANSWER:

10. Do you contend that the defendant was negligent?

ANSWER:

11. State the specific facts (including specific dates) known to you or anyone acting on the plaintiff's behalf upon which you rely in your contention that defendants acted in a way which constitutes negligence or malpractice.

ANSWER:

12. (a) On what date did the plaintiff receive notice of each of the injuries complained of in this action?

(b) Describe the circumstances under which the plaintiff received notice of each of the injuries complained of in this action.

ANSWER:

13. Without reference back to any pleading, please state fully and in complete detail all that the defendant did or failed to do which in any way caused or contributed to cause the alleged occurrence.

ANSWER:

14. Without reference back to any pleading, please state every act or omission on the part of the defendant which you allege constitutes negligence.

ANSWER:

15. State and describe fully and in detail each and every act or omission relating to fault, extent of negligence, and carelessness on the part of each defendant which plaintiff claims caused or contributed to cause the alleged injury, treatment, or surgery. (Without reference back to any pleading.)

ANSWER:

16. State in detail what injuries you claim the plaintiff sustained or conditions which were aggravated as a result of the treatment, surgery or examination upon which this action is based.

ANSWER:

17. With respect to each part of your body which you allege was injured in the incident of which you complained, state the following:

(a) A detailed explanation of the nature of the injury and in what manner, if any, it has affected you;

(b) The name, address, employer and address of the employer of each individual

who has knowledge of information with respect to your answer to the sub-part above;

(c) A detailed explanation of the manner, if any, in which such injury presently affects you;

(d) Whether such injury is permanent, and if so, a detailed statement of the reasons why you believe such injury is permanent;

(e) The name, address, employer and address of the employer of each individual who has knowledge of information with respect to your answer to the sub-part above;

(f) The duration of such injury if it was not permanent;

(g) The name, address, employer and address of the employer of each individual who has knowledge of information with respect to your answer to the sub-part above.

ANSWER:

18. If you allege that the instant incident aggravated a pre-existing condition, state the following:

(a) The exact nature of the pre-existing condition;

(b) How and when the pre-existing condition was initiated;

(c) Whether the plaintiff had recovered from said condition at the time of the instant incident and, if so, the date of the plaintiff's recovery;

ANSWER:

19. State whether the plaintiff suffered or was examined for any injury, illness, disease or abnormality of any kind at any time prior to the treatment, surgery or examination upon which this action is based involving any part or function of the body claimed in this action to have been injured, and if so, state:

(a) The nature of each such injury, illness, disease or abnormality;

(b) When, where and how each such injury, illness, disease or abnormality was sustained; and

(c) The names and addresses of each and every doctor, therapist, nurse, hospital, clinic or nursing home having any connection with the treatment or examination of each such injury, illness, disease or abnormality, the nature of such treatment or examination and each date upon which such treatment or examination was rendered.

ANSWER:

20. If the plaintiff received medical treatment, tests, or examinations (including x-rays) because of injuries or diseases the plaintiff suffered as a result of the treatment, surgery, or examination referred to in the complaint, state:

(a) The name and address of each hospital at which the plaintiff was treated or examined;

(b) The dates on which each such treatment or examination at a hospital was rendered and the charges by the hospital for each;

(c) The name and address of each doctor or practitioner by whom the plaintiff was treated or examined;

(d) The dates on which each such treatment or examination by a doctor or practitioner was rendered and the charges for each;

(e) The identity of all reports regarding any medical treatment or examination, setting forth the author and date of such reports; and

(f) Please consider this as a request to produce copies of all reports referred to in the above answer.

ANSWER:

21. (a) Were the injuries you allege the plaintiff sustained in this action caused in whole or in part by sickness, disease, abnormality or injury other than the injuries you claim resulted from the treatment, surgery or examination upon which this action is based?

(b) If so, state specifically the nature of each such sickness, disease, abnormality or injury and how each affected the plaintiff;

(c) Are there any medical, x-ray, hospital or other reports which indicate the nature of each such sickness, disease, abnormality or injury and how each affected the plaintiff;

(d) If so, where and when was each report made and what is the name and present or last known address of the person who made each such report and each such person who has custody or possession of each such report or any copy thereof?

(e) Has the plaintiff or his estate been furnished any such information in any way other than by the documents referred to in this interrogatory? If so, how, when and where and by whom?

ANSWER:

22. To the extent not set forth in the answers to the preceding interrogatories, state whether the plaintiff had been treated or examined by any doctor, nurse or therapist or had been treated or examined in or confined to, as an out-patient or an in-patient, any hospital, clinic or nursing home within the ten years prior to the treatment, surgery or examination upon which this action is based, state:

(a) The names and addresses of each such doctor, nurse, therapist, hospital, clinic or nursing home;

(b) The nature of the treatment rendered or the examination performed by each such doctor, nurse, therapist or in each such hospital, clinic or nursing home; and

- (c) Each date upon which each such treatment was rendered.

ANSWER:

23. State whether it is claimed that any agent, ostensible agent or employee of the defendant caused or contributed to cause the alleged injury, treatment or surgery.

ANSWER:

24. If the answer to the preceding interrogatory is in the affirmative, please set forth your contentions as to each of the following:

- (a) Each act and omission which it is claimed, caused or contributed to cause the alleged injury, treatment or surgery;

- (b) The name and title of each person who committed each of the acts and omissions set forth in (a) above;

- (c) The manner in which each such act and omission caused or contributed to cause the alleged injury, treatment or surgery;

- (d) The date and place of each such act and omission; and

- (e) In connection with each claimed omission, the statute, rule, regulation or procedure on which you rely, if applicable.

- (f) Describe with specificity all facts known to you which you claim establish the agency or ostensible agency of each person named in (a) above;

- (g) Name the witnesses that are known to you who you may use at trial to establish the agency or ostensible agency of each person named in (a) above;

- (h) Identify each document which established in any way the agency or ostensible agency of each person named in (a) above.

ANSWER:

25. Do you claim that an alleged agent of the defendant caused the plaintiff's injuries because:

- (a) He/She was not qualified to undertake the type of treatment, surgery or examination he/she gave?
- (b) He/She failed to diagnose correctly?
- (c) He/She did not obtain proper consent or authorization?
- (d) He/She did not maintain proper standards of hygiene or sterilization?
- (e) He/She failed to use modern techniques and procedures?
- (f) He/She did not give the correct treatment?
- (g) He/She failed to observe proper preoperative, operative or postoperative procedures, specifying which?
- (h) He/She was otherwise negligent (specifying the nature of the negligence)?
- (I) Identify the alleged agent.

ANSWER:

26. Do you claim that an individual defendant caused the injuries because:
- (a) He/she was not qualified to undertake the type of treatment, surgery or examination he/she gave?
 - (b) He/She failed to diagnose correctly?
 - (c) He/She did not obtain proper consent or authorization?
 - (d) He/She did not maintain proper standards of hygiene or sterilization?
 - (e) He/She failed to use modern techniques and procedures?
 - (f) He/She did not give the correct treatment?
 - (g) He/She failed to observe preoperative, operative, or postoperative procedures,

specify which?

(h) He was otherwise negligent (specifying the nature of the negligence)?

(I) Identify the alleged agent.

ANSWER:

27. If you claim that the actions or activities of any other persons contributed to or caused the plaintiff alleged injury or damage, please state their names and professions and the manner in which they contributed to cause the injury or damage or defective condition.

ANSWER:

28. Did defendant on any occasion refuse to attend the plaintiff? If so, for each refusal state:

(a) the date and place;

(b) a description of each complaint for which the plaintiff wished defendant to attend him;

(c) whether defendant gave any reason for not attending the plaintiff, and, if so, what reason; and

(d) whether defendant informed the plaintiff that he would not attend him and if so, the date, time and form of notification.

ANSWER:

29. (a) Do you contend that defendant neglected to inform, instruct or warn the plaintiff as to any matter relating to the plaintiff's condition, care or treatment?

(b) If so, for each such matter, state:

(1) a description of what defendant neglected to inform the plaintiff, instruct or warn the plaintiff;

(2) whether such failure or neglect contributed to any injury of which you complain, and, if so, in what way and to what extent; and

(3) if you claim that defendant failed to warn the plaintiff of one of the risks of the surgery or treatment, do you claim that the plaintiff would not have undergone the surgery or treatment in question if he had received said warning?

ANSWER:

30. (a) Did defendant make any representation or warranty as to his ability to cure any of the complaints from which the plaintiff suffered?

(b) If so, for each representation, state:

(1) a description of it;

(2) the date, time and place defendant made the representation;

(3) the name and address of each person to whom the defendant made the representation; and

(4) the name and address of each person present at the time the representation was made.

ANSWER:

31. If you are claiming that in the course of any operations or treatments performed on the plaintiff by the defendant, the defendant made any error or mistake in any such operations or treatments, please describe fully the nature of any such errors or mistakes together with the dates and places thereof.

ANSWER:

32. Please describe in detail all medical aids and diagnostic tools that it is claimed should have been employed by the defendant in diagnosing the plaintiff's condition and the plaintiff's

symptoms, subjective and objective, that were indicative of the use of any of said medical aids.

ANSWER:

33. Please describe in detail all medical tests and procedures that it is claimed should have been employed by the defendant in diagnosing the plaintiff's condition and the plaintiff's symptoms, subjective and objective, that were indicative of the use of any said medical tests.

ANSWER:

34. Please give the time and date of each occasion on which the defendant failed to evaluate properly and with care, the condition and symptoms of the injured party and exactly what the condition and symptoms improperly evaluated by the defendant consisted of.

ANSWER:

35. If at any time after the date and time of the alleged injury, treatment, or surgery you noticed anything wrong, different or unusual about the plaintiff's physical or mental condition; please state:

- (a) The date and time of each such notice;
- (b) A complete description of the plaintiff's physical and mental condition at that time indicating anything wrong, different or unusual; and
- (c) The date and time when the plaintiff first spoke to the defendant about each such change in the his physical or mental condition.

ANSWER:

36. If you claim or contend that the defendant acted contrary to or failed to comply with any published or printed written authority, treatise, publication, standard, rule, regulation, recommendation, opinion, instruction, or warning, please identify and describe by name, title, section number, page number, edition, publisher, and date, each such written authority.

ANSWER:

37. Did the plaintiff sign a consent form for the treatment, test, procedure, operation or drug involved in the plaintiff's alleged occurrence?

ANSWER:

38. If the answer to the preceding interrogatory is in the affirmative, please state:

- (a) The substance of the consent form;
- (b) The place where the plaintiff signed it;
- (c) The date and time the plaintiff signed it; and
- (d) The names, addresses and occupations of all persons who were present when

the plaintiff signed it.

ANSWER:

39. Did the plaintiff agree, either orally or in writing to the test, procedure, operation or drug which the defendant performed on the plaintiff or prescribed for the plaintiff and which was involved in the plaintiff's alleged injury, treatment or surgery?

ANSWER:

40. Did the plaintiff agree to the treatment performed on him by the defendant?

ANSWER:

41. At the time the plaintiff signed any form agreeing to or consenting to any test, procedure or operation performed on him by the defendant, were any written or oral representations made to him?

ANSWER:

42. If the answer to the preceding interrogatory is in the affirmative, please state in detail:

- (a) The name, address occupation and description of each person making each

such representation;

(b) The time and place each such representation was made;

(c) The relationship to the defendant of each person making each such representation; and

(d) The plaintiff's physical and emotional condition at the time each such representation was made.

ANSWER:

43. Please state in detail everything the defendant told the plaintiff orally or in writing about the following, including date and time for each:

(a) The plaintiff's admission to the hospital involved in the plaintiff's alleged occurrence;

(b) All tests and procedures that the defendant performed on the plaintiff.

ANSWER:

44. Please set forth in detail everything the defendant told the plaintiff concerning the test, procedure, operation or drug involved in the plaintiff's alleged injury, treatment or surgery, including for each statement:

(a) The date and time it was made;

(b) The place it was made; and

(c) The names, addresses and occupations of all persons present when it was made.

ANSWER:

45. (a) Was the plaintiff aware that any risk was involved in the treatment given him by defendant?

- (b) If so, for each risk of which the plaintiff was aware, state:
 - (1) the type of risk;
 - (2) the extent of danger involved in the risk;
 - (3) the date he first became aware of the risk;
 - (4) a description of how he became aware of the risk.

ANSWER:

46. Did the defendant or any agent or employee of the defendant tell the plaintiff about any possible risks involved in the test, procedure, operation or drug involved in the plaintiff's alleged injury, treatment or surgery?

ANSWER:

47. If the answer to the preceding interrogatory is in the affirmative, please set forth in detail:

- (a) The substance of all such warnings or descriptions of possible risks;
- (b) The date and time given;
- (c) The duration of the conversation or visit during which such warnings or descriptions of possible risks were given, and;
- (d) Everything the plaintiff said in response when the plaintiff was informed of any such possible risks.

ANSWER:

48. If the plaintiff claims that the defendant did not inform the plaintiff of the possible risks of the treatment, test, procedure, operation or drug involved in the plaintiff's alleged occurrence, please set forth all facts on which you base this claim.

ANSWER:

49. Did the plaintiff at any time ask the defendant about the risks of undergoing the tests, treatment, procedure, operation or drug involved in the plaintiff's alleged occurrence?

ANSWER:

50. If the answer to the preceding interrogatory is in the affirmative, please outline in detail the defendant's response.

ANSWER:

51. Do you contend the defendant exceeded the scope of the plaintiff's consent in performing the treatment or operation involved in the plaintiff's alleged injury, treatment or surgery?

ANSWER:

52. If the answer to the preceding interrogatory is in the affirmative, please set forth in detail all facts on which you base this contention.

ANSWER:

53. Do you contend that defendants acted in a way which constituted an intentional tort?

ANSWER:

54. Do you contend that defendants acted in a way which constituted an Eighth Amendment violation?

ANSWER:

55. State the specific date(s) that defendants acted in a way which you contend constitute an intentional tort, or an Eighth Amendment violation.

ANSWER:

56. State whether it is claimed that any defendant or agent, ostensible agent or employee of the defendant caused or contributed to cause the alleged Eighth Amendment violations.

ANSWER:

57. If the answer to the preceding interrogatory is in the affirmative, please set forth the plaintiff's contentions as to each of the following:

(a) Each act and omission which it is claimed, caused or contributed to cause the alleged Eighth Amendment;

(b) The name and title of each person who committed each of the acts and omissions set forth in (a) above;

(c) The manner in which each such act and omission caused or contributed to cause the alleged Eighth Amendment;

(d) The date and place of each such act and omission; and

(e) In connection with each claimed omission, the statute, rule, regulation or procedure on which you rely, if applicable.

(f) Describe with specificity all facts known to you which you claim establish the agency or ostensible agency of each person named in (a) above;

(g) Name the witnesses that are known to you who you may use at trial to establish the agency or ostensible agency of each person named in (a) above;

(h) Identify each document which established in any way the agency or ostensible agency of each person named in (a) above.

ANSWER:

58. Do you contend that defendants were deliberately indifferent to a serious medical need?

ANSWER:

59. Do you contend that defendants instituted policies and/or procedures which

constituted an Eighth Amendment violation?

ANSWER:

60. If the answer to the previous interrogatory is affirmative, please state with specificity (and without reference to pleadings):

- (a) The party who instituted such policies and procedures;
- (b) The exact directives of each policy or procedure that allegedly violate the plaintiff's Eighth Amendment rights;
- (c) What policies or procedures constituted violations of state law;
- (d) What policies or procedures constituted actions that deviated from the standard of care provided in the medical community.

ANSWER:

61. State the name, last known address, and present employer of each person who
- (a) was a witness to the treatment, surgery or examination through sight or hearing and/or
 - (b) has knowledge of facts concerning the happening of the treatment, surgery or examination or conditions or circumstances at the time of the treatment, surgery or examination prior to, after, or at the time of the accident, excepting those persons who acquired such knowledge during the course of this litigation.

ANSWER:

62. With respect to each person identified in the answer to the previous interrogatory, state that person's exact location and activity at the time of the treatment, surgery or examination.

ANSWER:

63. State the name, last known address, telephone number and present employer of all witnesses (excluding expert witnesses) who you intend to produce for testimony at the trial of this action.

ANSWER:

64. Has the plaintiff or anyone acting on the plaintiff's behalf obtained from any person any statement concerning this action or its subject matter? If so, state:

- (a) The name and last known address of each such person;
- (b) When, where, by whom and to whom each statement was made, and whether it was reduced to writing or otherwise recorded;
- (c) The name and address of any person who has custody of any such statements that were reduced to writing or otherwise recorded; and
- (d) Please consider this a Request to Produce those statements referred to in the above answer.

ANSWER:

65. Has the plaintiff or anyone acting on the plaintiff's behalf given any statement concerning this action or its subject matter? If so, state:

- (a) The name and last known address of each person to whom a statement was given;
- (b) When and where each statement was given; and
- (c) Please consider this a Request to Produce the statements referred to in the above answer.

ANSWER:

66. Do you know of the existence of any photographs, diagrams or models of the

surrounding area or the areas of the treatment, surgery or examination or any other matters or things involved in this treatment, surgery or examination.

If the answer is in the affirmative, state:

- (a) The date(s) when such photographs, diagrams or models were made;
- (b) The name and address of the party making them;
- (c) Where they were made;
- (d) The object(s) or subject(s) each photograph, diagram or model represents; and
- (e) Please consider this a request to produce the photographs, diagrams and/or

models referred to in the above answer.

ANSWER:

67. Has the plaintiff or has anyone acting on the plaintiff's behalf received any medical, hospital or x-ray reports from any hospitals or physicians concerning the injuries alleged to have been caused by the injury, treatment, surgery or examination upon which this action is based? If so, state:

- (a) The nature of each such report;
- (b) When and where each such report was received;
- (c) The name and present or last known address of the person from whom each

such report was received and the person who has custody or possession of each such report or an copy thereof;

ANSWER:

68. Has the plaintiff or has anyone acting on the plaintiff's behalf obtained from any person or persons any oral or written settlement account, report, memorandum or testimony concerning the treatment, surgery or examination upon which this action is based? If so, state:

- (a) The name and present or last known address of each such person;
- (b) When, where and by whom each such statement, account, report, memorandum or testimony was obtained or made;
- (c) Whether each such statement, account, report, memorandum or testimony was oral or written; and
- (d) If written, the name and present or last known address of the person who has custody or possession of each such statement, account, report or memorandum of any copy thereof.

ANSWER:

69. (a) Has the plaintiff, or anyone on the plaintiff's behalf, conducted any investigations of the treatment, surgery or examination which is the subject matter of the complaint?
- (b) If the answer to (a) is in the affirmative, state:
- (1) the name, address, and employer of all persons who conducted any investigations;
 - (2) The dates of the investigation;
 - (3) The dates of any reports of any investigations and the identity of the persons who have possession thereof; and
 - (4) Please consider this a request to produce the plaintiff's investigation reports.

ANSWER:

70. What is the name and present or last known address of any person, including the plaintiff and anyone acting in the plaintiff's behalf, who is known by the plaintiff or anyone acting in the plaintiff's behalf to have inspected the locality and/or the instrumentalities involved in the treatment, surgery or examination upon which this action is based, since the date thereof? State:

- (a) each person making such inspection;
- (b) the date of each such inspection; and
- (c) whether you received any report or memorandum concerning such inspection,

and, if so, the name of each person making same.

ANSWER:

71. With respect to each report made of each or any of the inspections referred to in the answers to the preceding interrogatories, state:

- (a) Whether each such report was written or oral?
- (b) To whom and by whom each such report was made;
- (c) The date of each such report;
- (d) If written, the name and present or last known address of the person who has

custody or possession of each such report or any copy thereof; and

ANSWER:

72. State whether or not any claim is made as to improper defective equipment and, if so, describe such in detail and in what respect you claim it was defective or improper.

ANSWER:

73. (a) State the name and address of each person whom you expect to call as expert witnesses at trial and state the subject matter on which the expert is expected to testify.

(b) For each such expert, state, or have the expert state, the substance of the facts and opinions to which the expert is expected to testify and summarize the grounds for each such opinion. (Experts' reports containing the same information may be attached in lieu of an answer.)

(c) If the expert is employed and/or self-employed, identify the employer and the nature of employment hereof.

(d) Identify all documents submitted to the expert and all products and/or locales inspected by the expert in connection with preparations for his/her testimony.

(e) Set forth the qualifications of each expert, listing the schools attended, years of attendance, degrees received, experience in any particular field of specialization or expertise, all publications authored, including the title of the work and the book in which it was printed giving the date of publication.

ANSWER:

74. Has any suit been filed with respect to the incident upon which this suit is based, against any individual or entity other than the defendants named in this suit? If so, against whom? State the caption, court term, number, and disposition of any such suit and the name of the attorney representing the plaintiff.

ANSWER:

75. State whether the plaintiff is covered by or subject to any policy of insurance for the injuries arising out of the facts underlying this suit.

ANSWER:

76. If the answer to the previous interrogatory is in the affirmative, state the following as to each such policy of insurance:

- (a) The name of the insured under the policy;
- (b) the period the policy is effective;
- (c) the amount of coverage provided by the policy;
- (d) the amount of coverage remaining for payment of any such injuries;
- (e) the policy number of the insurance; and
- (f) the claim number for any policy of insurance.

ANSWER:

77. Has plaintiff at any time made a claim to any insurance company for damages or compensation as a result of an injury or injuries to any part or function of plaintiff's body?

(a) If so, state the name and address of the insurance company, as well as policy number(s) to which claim was made and the date(s) upon which each such claim was made;

(b) State the claim or file number assigned to each claim referenced;

(c) State the nature of the injuries for which claim was made and the manner in which injury was sustained (e.g., car accident, slip and fall);

(d) List the total amount of the expenses that was paid by plaintiff's insurance carrier.

(e) State whether plaintiff was paid or otherwise received compensation as a result of or arising out of the claims referenced above;

(f) State the name used by plaintiff in making said claims; and

(g) Request for Production of Documents: Kindly attach copies of any receipts showing amounts paid by plaintiff's medical insurer.

ANSWER:

78. Has any governmental agency paid all or any portion of medical expenses which plaintiff contends were necessitated by the conduct of defendant?

ANSWER:

79. Were any of plaintiff's medical expenses "written off" or forgiven or otherwise not owed by reason of a contract or agreement between the medical care provider and plaintiff's medical insurer, as a compromise of a bill between the medical care provider and the plaintiff or for any other reason?

(a) List the amount of the medical expenses that were “written off” or forgiven or otherwise not owed by reasons of contract between the health care provider and plaintiff’s medical insurer, as a compromise of a bill between the medical care provider and the plaintiff or for any other reason.

ANSWER:

80. Were or are any of plaintiff’s medical expenses personally owed or owing by plaintiff or his representatives and, therefore, not paid by plaintiff’s insurance carrier and/or written off, forgiven or otherwise not owed with respect to any medical care provided by defendant(s) and/or any other medical care providers who provided care for which plaintiff is claiming damages?

(a) List the amount of the medical expenses that were or are personally owed by plaintiff or his representatives and, therefore, not paid by plaintiff’s insurance carrier and/or written off, forgiven or otherwise not owed with respect to any medical care provided by defendant(s) and/or any other medical care providers who provided care for which plaintiff is claiming damages.

ANSWER:

81. List all medical or other bills, including drug bills, other than those set forth in the answers to preceding interrogatories, incurred to date as a result of the conditions, injuries or incidents complained of in the complaint and specify:

- (a) the nature of the charge;
- (b) the amount; and
- (c) the name and address of the payee.

ANSWER:

82. Was it necessary for the plaintiff, as a result of this incident, to wear any surgical appliances as a result of the incidents, injuries or conditions complained of in the complaint? If so,

state:

- (a) the nature of the appliance;
- (b) where purchased;
- (c) when purchased;
- (d) the cost thereof;
- (e) by whom prescribed;
- (f) the dates between which such appliance was worn;
- (g) the frequency with which it was worn during such period.

ANSWER:

83. State whether or not any of the alleged injuries resulted in any scars, abrasions, contusions or lacerations of the plaintiff's body. If so, describe and specify the parts of the plaintiff's body.

ANSWER:

84. State specifically the nature and duration of the pain, suffering and inconvenience which the plaintiff allegedly underwent and which the plaintiff will continue to undergo as stated in the complaint.

ANSWER:

85. State the degree of any disability to any part or parts of the plaintiff's body which the plaintiff claim resulted from the alleged incident, injury or condition. State whether such disability is claimed to be temporary or permanent in each case.

ANSWER:

86. Has the plaintiff ever filed an application for insurance on the plaintiff's life, or for health and accident insurance, which was rejected by the company to which the plaintiff applied by

reason of the plaintiff's health? If so, give the date of such application, the name of the company to which the plaintiff applied, and the name and address of the insurance agent through whom the plaintiff made such application.

ANSWER:

87. Itemize the damages you claim for:

- (a) Lost earnings;
- (b) Future loss of earning activity;
- (c) Other future losses and specify the nature of such losses;
- (d) Medical and hospital expenses; and
- (e) Property damage.

ANSWER:

88. For each item of future damages set forth in the preceding interrogatories set forth the manner in which the compensation was made including the source of each figure used in making each computation.

ANSWER:

89. (a) State the plaintiff's earning as reported on the plaintiff's Federal Income Tax Returns for the last calendar year of the injury, treatment, surgery or examination upon which this action is based and for the ten years immediately preceding said treatment, surgery or examination and for each year thereafter up to the present date;

(b) Has the plaintiff retained copies of the plaintiff's Federal Income Tax Returns for the aforesaid years;

(c) If yes, please forward copies of said Federal Income Tax Returns to me with the plaintiff's answers to these interrogatories;

(d) If not, will you authorize me to obtain copies of the plaintiff's Federal Income Tax Returns from the Internal Revenue Service; and

(e) If so, please execute the authorization form attached to these interrogatories and return same to me with the answers to these interrogatories.

ANSWER:

90. (a) If the plaintiff sustained any financial loss as a result of the injury, treatment, surgery or examination upon which this action is based other than those covered by the preceding interrogatories, state the nature, dates and amounts of such losses;

(b) If claim is made for nursing service or household help, state the name and address of each such person employed, the period of employment and the amounts of the charges for the same and the amounts actually paid;

(c) Has the plaintiff or has anyone acting on the plaintiff's behalf retained bills, canceled checks or copies thereof reflecting such charges; and

(d) If so, please forward a copy of each such bill or canceled check with the answers to these interrogatories.

ANSWER:

91. Identify by name, address and telephone number the name of each person who contributed information or who was contacted by plaintiffs for the purposes of eliciting information to respond to any of the preceding interrogatories.

ANSWER:

MCCULLOUGH & MCKENTY, P.A.

/s/ Dana Spring Monzo

Daniel L. McKenty, Del. Bar No. 2689

Dana Spring Monzo, Del Bar No. 4605

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Attorneys for Roberta F. Burns, M.D.

June 8, 2006

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

JEFFERY ALONZO SIMMS)	
)	
)	
Plaintiff)	C.A. No. 04-1205-SLR
)	
v.)	
)	
M.D. HARRY M. FREEMAN, ET AL)	JURY OF 12 DEMANDED
)	
Defendants.)	

CERTIFICATE OF SERVICE

I certify that, on this date, one copy of the attached *Roberta F. Burns M.D.'s First Set of Interrogatories Directed to Plaintiff* was served, electronically (and one copy by mail), on the following individuals:

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/s/ Dana Spring Monzo
Dana Spring Monzo, Del Bar No. 4605

June 8, 2006